

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 11313 01 OF 02 221330Z

ACTION IO-14

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00
ICAE-00 NSCE-00 FTC-01 JUSE-00 L-03 H-01 PA-01
SP-02 AID-05 EB-08 TRSE-00 SS-15 STR-07 OMB-01
CEA-01 CIAE-00 COME-00 FRB-03 INR-10 NSAE-00
XMB-02 OPIC-03 LAB-04 SIL-01 OIC-02 SSO-00 INRE-00
/137 W

-----031314 221335Z /41

O 221305Z JUL 78

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2430

INFO AMEMBASSY CARACAS

AMEMBASSY KINGSTON

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 11313

E.O. 11652: N/A

TAGS: OCON, ECOSOC

SUBJECT: 1978 SUMMER ECOSOC - ILLICIT PAYMENTS

1. WE MET INFORMALLY WITH SEVERAL G-77 REPS FRIDAY AFTERNOON AS FIRST STEP TO DRAW UP A CONSENSUS DRAFT RESOLUTION. THE EFFORT PROMISES TO YIELD INDETERMINATE RESULTS FOR A WHILE, AS G-77 HAS NOT TALKED THROUGH ITS POSITION YET, AND SUGGESTIONS ARE OFFERED WITHOUT COMMITMENTS. WE HESITATE TO MAKE PREDICTIONS ON AN OUTCOME AT THIS EARLY STAGE.

2. THE FOLLOWING SUGGESTIONS WERE OFFERED:

(A) CHANGE DATE TO 1980, NIGERIA (ABUAH),
UGANDA (ACEMAH), MEXICO (BARCELO), AND BRAZIL (VALLE).

(B) ADD LANGUAGE FROM LAST YEAR'S RESOLUTION
EMPHASIZING PRIORITY OF TNC CODE OF CONDUCT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 11313 01 OF 02 221330Z

(NIGERIA, MEXICO, AND VENEZUELA (CHRISTIANS)).

(C) CHANGE FIRST OPERATIVE PARAGRAPH TO READ AS
FOLLOWS:"CONSIDERS THAT IT IS NECESSARY TO CONVENE
A CONFERENCE IN 1980 AND REQUESTS THE SECRETARY GENERAL
TO DETERMINE A DATE TAKING INTO ACCOUNT THE CALENDAR
OF CONFERENCES" (NIGERIA). IN ADDITION, ABUAH PRESSED

FOR LANGUAGE FROM LAST YEAR'S RESOLUTION ON A QUORUM OF FOUR STATES FROM EACH INTERESTED REGIONAL AREA FOR PREPCON MEETINGS (OTHER G-77 AREN'T MAKING A BIG POINT OF THIS). BARCELO PROMISED TO PROVIDE SUGGESTIONS ON LANGUAGE LINKING THE TNC CODE TO ILLICIT PAYMENTS WORK, CHRISTIANS STATED HIS PREFERENCE THAT THE DIPLOMATIC CONFERENCE CONSIDER BOTH ILLICIT PAYMENTS AND TNC CODE, AND SAUNDERS (JAMAICA) TOLD US WE MIGHT HAVE TO ACCEPT EITHER A DATE IN 1982 OR LATER OR ALTERNATIVELY, NO DATE AT ALL BUT AGREEMENT ON PREPCON MEETINGS IN 1979. HE REMINDED US, HOWEVER, THAT HE WAS SPEAKING NOT FOR JAMAICA BUT RATHER TRYING TO EMBODY THE RANGE OF G-77 VIEWS.

3. WE ARE INCLINED TOWARDS FOLLOWING SCENARIO:

(A) CIRCULATE INFORMALLY TO A LIMITED NUMBER OF DELEGATIONS FOR THEIR COMMENT A SOMEWHAT REVISED TEXT WHICH WE COULD INDICATE REFLECTS INPUT FROM CONSULTATIONS THUS FAR;

(B) SEEK CO-SPONSORSHIP;

(C) STRONGLY RESIST EXPRESS LINKAGE TO TNC CODE IN ANY FASHION, OR ESTABLISHMENT OF PREPCON WITHOUT COMMITMENT TO DATE OF CONFERENCE.
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 11313 01 OF 02 221330Z

4. WITH RESPECT TO REVISED TEXT, WE PROPOSE FOLLOWING:

(A) CHANGE DATE TO 1980 (EVERYONE BELIEVES WE HAVE FLEXIBILITY TO 1980);

(B) ADD LANGUAGE TO FOURTH OPERATIVE PARAGRAPH ESTABLISHING THE PREPCON: "THAT IT SHALL MEET IN 1979 AS NECESSARY";

(C) TO USE AS MUCH OF ABUAH'S LANGUAGE AS POSSIBLE BY ADDING AFTER FIRST OPERATIVE PARAGRAPH A NEW PARAGRAPH READING AS FOLLOWS: "REQUESTS THE SECRETARY GENERAL TO DETERMINE A DATE TAKING INTO ACCOUNT THE CALENDAR OF CONFERENCES";

(D) ADD THE FIRST THREE PARAGRAPHS ON THE TNC CODE FROM LAST YEAR'S RESOLUTION BEFORE THE FIRST OPERATIVE PARAGRAPH.

5. OPERATIVE PARAGRAPHS OF DRAFT RESOLUTION WOULD THEN READ AS FOLLOWS:

"1. REAFFIRMS THAT THE FORMULATION OF A CODE OF CONDUCT BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHOULD BE GIVEN THE HIGHEST PRIORITY AND THAT THE CONCLUSION OF AN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS SHOULD IN NO WAY INTERFERE WITH OR DELAY THAT PRIORITY;

2. URGES ALL STATES TO MAKE THEIR BEST EFFORTS TO EXPEDITE THE FORMULATION OF THE CODE OF CONDUCT; AND,

3. REQUESTS THE SECRETARY-GENERAL TO MAKE ADEQUATE PROVISIONS FOR THE NECESSARY MEETINGS OF THE WORKING GROUP ON A CODE OF CONDUCT;

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 GENEVA 11313 02 OF 02 221331Z
ACTION IO-14

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00
ICAE-00 NSCE-00 FTC-01 JUSE-00 L-03 H-01 PA-01
SP-02 AID-05 EB-08 TRSE-00 SS-15 STR-07 OMB-01
CEA-01 CIAE-00 COME-00 FRB-03 INR-10 NSAE-00
XMB-02 OPIC-03 LAB-04 SIL-01 OIC-02 SSO-00 INRE-00
/137 W

-----031328 221336Z /41

O 221305Z JUL 78

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2431

INFO AMEMBASSY CARACAS

AMEMBASSY KINGSTON

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 11313

4. DECIDES TO CONVENE A CONFERENCE OF PLENIPOTENTIARIES OF ALL INTERESTED STATES IN 1980 IN NEW YORK OR ANY OTHER SUITABLE PLACE FOR WHICH THE SECRETARY-GENERAL MAY RECEIVE AN INVITATION FOR THE PURPOSE OF ADOPTING A CONVENTION ON ILLICIT PAYMENTS; AND,

5. REQUESTS THE SECRETARY-GENERAL TO DETERMINE A DATE TAKING INTO ACCOUNT THE CALENDAR OF CONFERENCES;

6. REQUESTS THE SECRETARY-GENERAL TO INVITE ALL STATES TO PARTICIPATE IN THE CONFERENCE;

7. DECIDES TO ESTABLISH A COMMITTEE OPEN TO ALL INTERESTED STATES TO MAKE PREPARATIONS FOR THE CONFERENCE, AND THAT IT SHALL MEET AS NECESSARY IN 1979."

6. APPRECIATE DEPARTMENT'S COMMENTS, ESPECIALLY ON THE REFORMULATION OF FORMER OPERATIVE PARAGRAPHS "1" AND "3".

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 11313 02 OF 02 221331Z

7. WE WOULD INTEND TO CIRCULATE THE NEW DRAFT MONDAY AFTERNOON, BUT NOT BEFORE CALLING DEPARTMENT FOR ITS VIEWS.

VANDEN HEUVEL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 22 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA11313
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780302-0079
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780731/aaaaazoe.tel
Line Count: 189
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f7a58a6e-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1918775
Secure: OPEN
Status: NATIVE
Subject: 1978 SUMMER ECOSOC - ILLICIT PAYMENTS
TAGS: OCON, ECOSOC
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f7a58a6e-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014